

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,        )  
                                        )  
                                        )  
Plaintiff,                         )    4:11CR3099  
                                        )  
                                        )  
V.                                    )  
                                        )  
                                        )  
JOAQUIN D. CERVANTES,            )    MEMORANDUM AND ORDER  
                                        )  
                                        )  
Defendant.                        )  
                                        )  
\_\_\_\_\_ )

The defendant has filed a § 2255 motion (filing no. 52). Because this case appears to involve the recently issued *Johnson* case, this Court has issued General Order No. 2015-03 and has applied that General Order to this case. Accordingly, the Federal Public Defender has been appointed to represent the defendant pursuant to that General Order.

After initial review as provided for by Rule 4(b) of the Rules Governing Section 2255 Proceedings, the motion should not be summarily dismissed. On the contrary, this case should be processed further.

IT IS ORDERED:

1.     On or before January 7, 2016, the United States of America shall file an answer and supporting brief.
2.     On or before February 8, 2016, counsel for the defendant shall file a reply brief.
3.     A copy of this Memorandum and Order shall be mailed to the defendant.

December 9, 2015

BY THE COURT:

*Richard G. Kopf*  
Senior United States District Judge